IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA BRYSON CITY DIVISION 2:04ev255

KIM C. LONDO,)
Plaintiff,)
Vs.) JUDGMENT
JOANNE BARNHART, Commissioner of Social Security,))
Defendant.)))

THIS MATTER having come before the court in accordance with 28, United States Code, Section 636(C), and upon plaintiff's Motion for Summary Judgment, defendant's cross Motion for Summary Judgment, and plaintiff's Reply, and having carefully considered such motions, the well reasoned briefs of the respective parties, the final decision of the Commissioner, and the administrative record, and having determined that remand pursuant to the fourth sentence of 42, United States Code, Section 405(g), is appropriate as shown by a Memorandum of Decision entered by the court simultaneously herewith;

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that

- (1) the plaintiff's Motion for Summary Judgment is **ALLOWED**;
- (2) the Commissioner's Motion for Summary Judgment is **DENIED**;
- to the Secretary for purposes of conducting a new hearing pursuant to the fourth sentence of 42, United States Code, Section 405(g), and in accordance with the instructions contained in the Memorandum of Decision; and
- (4) this action is hereby DISMISSED.

Signed: August 24, 2005

Dennis L. Howell United States Magistrate Judge